

Remarks

*35 U.S.C. 102(e) and 35 U.S.C. 103(a)*

Examiner states that claim 1 is anticipated by Wylie as this invention teaches a plastic support member 200A having a channel with a migratory securing means 230A therein, and a flexible porous membrane 240A is forced into the channel where it is secured by the securing means to the channel.

Agent for Applicant respectfully submits that amendments to claim 1 now reflect a plastic frame assembly for bearing weight for an ergonomic chair seat or chair back, and that the plastic support member now comprises of both a contoured bottom portion and a contoured top portion. Agent for Applicant submits that Wylie does not teach the invention taught in amended claim 1 where the top and bottom portions are contoured or shaped and applied to an ergonomic chair seat or back. The invention disclosed in Wylie is for a screen for windows, doors, operable skylights and the like for use in residential and commercial buildings. The instant invention is for use with ergonomic seating only and is for weight bearing, whereas the invention disclosed in Wylie is not intended for weight bearing such as someone sitting on the screen window or door and the ergonomic aspects of the instant invention do not apply to the invention disclosed in Wylie.

Examiner states that claims 2-7 are obvious in light of Wylie. Examiner states that although Wylie's invention is intended to replace the splines in terms of securing the membrane to the channel, one skilled in the art would have applied a spline to cover the open channel of the support member, and/or for the purpose of preventing dirt from entering the channel. Agent for Applicant respectfully submits that claim 2 which depends from claim 1 (now amended) has been amended to reflect that the plastic setting member (spline) is contoured to register with the contoured bottom portion as well as provide additional support to the flexible porous membrane when it is placed in the channel (page 6, line 15-20 of the specification). Wylie's invention is focused on not using a spline for a frame for a window or door. In the instant invention the purpose of the spline is to add ancillary support for the plastic frame

- 8 -

assembly beyond what is described in Wylie as the instant invention requires this support since it is a weight bearing assembly. Therefore the purpose of the spline is not for covering the open channel or preventing dirt from collecting in the channel.

Examiner states that claims 8 and 9 are obvious in light of Wylie and either Stumpf or Koepke. Agent for Applicant respectfully submits that claim 8 has been cancelled and claim 9 is dependent on claim 2 now amended and that limitations added to both claims 1 and 2 makes claim 9 unobvious in light of the cited prior art. Specifically Koepke teaches a connection for securing an appendage to an article of furniture that includes a variety of elements organized in a fashion not disclosed in the instant invention. Stumpf et al. teaches a variety of inventions for an office chair but its attaching mechanism disclosed is not similar to that disclosed in the instant invention. In conclusion Agent for Applicant respectfully submits that it would not have been obvious to combine the art area described in Wylie with the art areas disclosed in either Stumpf or Koepke to come up with the invention described in claim 9 as applied to a couch